

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSE ANTONIO MORALES, )  
Plaintiff, )  
v. ) 1:09CV175  
JOHN CHARLES HOLLY and )  
CHARLES BRIAN ESTES, )  
Defendants. )

## ORDER

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on September 28, 2012, was served on the parties in this action. Plaintiff filed objections to the Recommendation (Doc. 47) and Defendants responded. (Doc. 48.)

The Court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The Court adopts the Magistrate Judge's recommendation in full.

**IT IS THEREFORE ORDERED** that Defendants' Motion for Summary Judgment (Doc. 34) is **GRANTED**. **IT IS FURTHER ORDERED** that Defendants' Motion for Sanctions Pursuant to Rule 37(b) (Doc. 32) is **DENIED AS MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 29th day of October, 2012.

Leah L. Doe  
UNITED STATES DISTRICT JUDGE